

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: [17-cv-06748-WHO](#)Case Name: Di-az v. Tesla, Inc.

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEYS:	DEFENSE ATTORNEYS:
William H. Orrick	Bernard Alexander, Larry Organ, and Cimone Nunley	Tracey Kennedy, Patricia Jeng, and Susan Haines
TRIAL DATE: 9/29/2021	REPORTER:	CLERK:
TIME: 5 hrs, 28 mins 8:01 a.m. to 1:29 p.m.	Debra Pas	Jean Davis

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
		8:01 a.m.			Court in session (jurors out) Marconi designations discussed. All objections will be overruled, and all designations and counter designations will be presented. The Court reviews a proposed limiting instruction with counsel. Plaintiff objection noted. Admission of Exhibit 109 discussed. Admission of other disputed exhibits discussed.		
		8:16 a.m.			Court in recess		
		8:34 a.m.			Court in session (jurors present)		
		8:34 a.m.			Court provides instruction to jurors regarding video depositions and provides limiting instruction		
		8:35 a.m.			Testimony of Kevin McGinn presented by way of video deposition	11	
		8:46 a.m.			Court provides instruction to jurors regarding editing of video deposition		
		8:47 a.m.			Testimony of Demetric Di-az presented by way of video deposition	6	
		8:53 a.m.			Court provides instructions regarding video deposition and order of anticipated testimony		
		8:55 a.m.			Plaintiff direct Examination of Owen Diaz (Organ)	59	
62		9:03 a.m.			Candidate: Owen O. Diaz; Admitted w/out objection		
		9:08 a.m.			Examination suspended to address technical issue		
		9:10 a.m.			Examination continues		
19		9:12 a.m.			Owen's Tesla ID; Admitted w/out objection		
		9:54 a.m.			Jurors excused for break		

Case No: 17-cv-06748-WHO
Case Name: Di-az v. Tesla, Inc.
Date: September 29, 2021

Courtroom Deputy: Jean Davis - Court Reporter: Debra Pas

EXHIBIT and WITNESS LIST CONTINUED

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
		9:55 a.m.			Counsel cautioned regarding improper questions; Court in recess		
		10:16 a.m.			Court in session (jury present)		
		10:17 a.m.			Plaintiff direct examination of Michael Wheeler (Alexander)	15	
		10:32 a.m.			Defense cross examination of Michael Wheeler (Jeng)		8
		10:44 a.m.			Plaintiff redirect of Michael Wheeler (Alexander)	2	
		10:46 a.m.			Defense follow up examination of Michael Wheeler (Jeng)		6
		10:52 a.m.			Witness excused		
		10:52 a.m.			Plaintiff direct examination of Owen Diaz continues (Organ)	49	
234		11:02 a.m.			Email re Owen 10-17-2015; admitted w/out objection		
245		11:17 a.m.			Email re Rothja Foster, 10-24-2015; admitted by stipulation		
68		11:23 a.m.			Separation notice – Owen Diaz – 05/04/2016 – United States of America, 5-4-2016; Admitted w/out objection		
217		11:24 a.m.			Email re FW: Tesla Motors: Health & Safety Report – 13962, 7-23-2015; Admitted w/out objection		
224		11:27 a.m.			Email re Owen Diaz/Pay Increase, 8-23-2015; Admitted w/out objection		
261		11:28 a.m.			Owen Diaz application for Warehouse Associate at Bay List on Indeed, 12-3-2015; Admitted w/out objection		
316		11:29 a.m.			Email re Owen Diaz Doctors Note, 3-18-2016; Admitted by stipulation		
320		11:32 a.m.			Email re Term of contract for Owen Diaz, 3-18-2016; Admitted w/out objection		
324		11:34 a.m.			Email re Michael Wheeler, 5-4-2016; Admitted w/out objection		
325		11:35 a.m.			Email re Michael Wheeler, 5-4-2016; Admitted w/out objection		

Case No: 17-cv-06748-WHOCase Name: Di-az v. Tesla, Inc.Date: September 28, 2021Courtroom Deputy: Jean Davis - Court Reporter: Debra Pas**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
109		11:39 a.m.			Andres Donet email to Liza Lipson cc Quintero Re Racism writing the bathroom, 5-21-2016; Objection sustained, admission denied		
		11:41 a.m.			Jurors excused		
		12:03 p.m.			Court in session (jurors present) Plaintiff direct examination of Owen Diaz continues (Organ)	8	
		12:11 p.m.			Defense cross examination of Owen Diaz (Kennedy)		78
	204	12:12 p.m.	X		Owen Diaz Job Application to CitiStaff, 6-2-2015; Objection sustained; admission of document in its current form denied		
	200	12:18 p.m.	X	X	Owen Diaz resume (No Date); Admitted w/out objection		
	205	12:25 p.m.	X	X	CitiStaff Assignment Abandonment/Walk-Off Policy, signed by Owen Diaz, 6-2-2015; Admitted w/out objection		
	265	1:11 p.m.	X		Email re Resume, 12-15-2015 and resume of Lamar Patterson; identified only		
		1:29 p.m.			Jurors excused; Court in recess		

Plaintiff Time at start of trial day: 7 hours, 14 minutes
Time Used by Plaintiff 9/29/2021: 2 hours, 30 minutes
Remaining Plaintiff Time: 4 hours, 44 minutes

Defendant Time at start of trial day: 9 hours, 12 minutes
Time Used by Defendant 9/29/2021: 1 hour, 32 minutes
Remaining Defendant Time: 7 hours, 40 minutes